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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,942	03/15/2006	Olivier Buyse	3338.81WOUS	6147
24113	7590	06/17/2009	EXAMINER	
PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.			WANG-HURST, KATHY W	
4800 IDS CENTER			ART UNIT	PAPER NUMBER
80 SOUTH 8TH STREET			2617	
MINNEAPOLIS, MN 55402-2100				
MAIL DATE		DELIVERY MODE		
06/17/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/553,942	BUYSE, OLIVIER	
	<b>Examiner</b>	<b>Art Unit</b>	
	KATHY WANG-HURST	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 17 April 2009.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-10 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-10 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_.



## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/17/2009 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 4-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sant et al. (US 619896) in view of Cheng et al. (US 6154638).

Consider claims 1 and 5, Sant discloses a system for testing a mobile telephony network having a plurality of cells whose sizing depends on at least one selection or reselection parameter (see abstract, col. 1 lines 10-18, col. 3 lines 7-20, and col. 1 lines 20-50, where Sant discusses testing a cellular system with cells sized for handoff based

on signal strength and load, therefore, selection and reselection). Sant discloses at least one mobile test telephone (12, figure 1, figure 4) an onboard computer connected to the at least one mobile test telephone (see col. 4 lines 3-33, where Sant discusses a mobile testing vehicle with computer and test phones). Sant discloses predefined values of selection and reselection parameters are stored in the computer (see col. 4 lines 23-33 and col. lines 30-57, where Sant discusses the software to perform testing on call setup and handoff). Sant discloses the mobile test telephone includes a presetting function to receive the predefined value of the selection and reselection parameters (see col. 4 lines 3-33, where Sant discusses each phone set for different types of networks). Sant discloses, the mobile test telephone being shift able between a normal mode in which the mobile test telephone measures values of the selection or reselection parameters from the mobile telephony network, and a preset mode in which the mobile test telephone receives the predefined values of the selection and reselection parameters from the computer (see col. 5 lines 30-57, col. 6 lines 8-40, col. 5 lines 63-67, where Sant discusses the phones receive GPS data, and system handoff data from the network and call setup data, and handoff data from the computer to perform tests), the predefined values of selection or reselection parameters overwriting the values of the selection or reselection parameters received from the mobile telephone network (col. 5 lines 30-58, where Sant discuss having a first testing originated from the network and then having a second testing originated from the mobile end in order to fully test the capabilities, therefore the second testing originated from the mobile end overwrites the first testing originated from the network).

Sant discloses testing results relating to coverage issues (col. 6 lines 40-47) does not specifically disclose at least one selection or reselection parameter being used to modify the geographical sizing of each cell of the network. Cheng teaches one selection or reselection parameter being used to modify the geographical sizing of each cell of the network (see col. 2 lines 23-34 and col. 4 lines 4-31).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Sant, and adjust the parameters to modify the geographical sizing of the cell, as taught by Cheng, thereby providing more efficient and accurate link measurements for changes in system configuration, as discussed by Cheng (col. 2 lines 35-45).

Consider claim 2, Sant discloses on board GPS used and associated with the mobile testing (see Sant col. 4 lines 50-67).

Consider claim 4, Sant discloses several test telephones are connected to the same computer (see Fig. 2, phones 12 are connected to the CPU 20)

Consider claim 6, Sant discloses presetting of the value of the selection or reselection parameter consists of overwriting a value of the selection or reselection parameter received from the network by the predefined value of the selection or reselection parameter (Sant discusses having a first testing originated from the network and then having a second testing originated from the mobile end in order to fully test the capabilities, therefore the second testing originated from the mobile end overwrites the first testing originated from the network).

Consider claims 7, the combination of Sant and Cheng discloses sizing the cells of the network and optimizing the network.

Consider claim 8-10, Sant discloses testing is done on multiple phones the the same time on the same geographical area and capturing test results and analyzing the test results (see col. 5 lines 30-60).

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sant in view of Cheng, futher in view of Abiri et al. (US 2004/0203727).

Consider claims 3, combination of Sant and Cheng discloses multiple network types, however does not specifically disclose GSM and GPRS. In an analogous art, Abiri teaches GSM and GPRS (see e.g. [0003][0064][0090][0157], Abiri discusses GSM and GPRS networks and their testing parameters). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the invention of Sant and Cheng, to perform testing on GSM and GPRS networks, as taught by Abiri, thus allowing radio parameters to be set optimally in the network ([0016]).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KATHY WANG-HURST whose telephone number is (571) 270-5371. The examiner can normally be reached on Monday-Thursday, 7:30am-5pm, alternate Fridays, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KATHY WANG-HURST/  
Examiner, Art Unit 2617

/NICK CORSARO/  
Supervisory Patent Examiner, Art Unit 2617